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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,115	11/22/2000	Hideaki Okada	0666.023000O	5060
26111 7 7590 11/13/2003 STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W.			EXAMINER	
			DEPUMPO, DANIEL G	
WASHINGTON, DC 20005			ART UNIT	PAPER NUMBER
			3611	
			DATE MAILED: 11/13/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Summary	09/717,115	OKADA ET AL.				
onice Action Summary	Examiner	Art Unit				
	Daniel G. DePumpo	3611				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
1) Responsive to communication(s) filed on 26 Se	eptember 2003.					
2a)⊠ This action is <b>FINAL</b> . 2b)□ This a	action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) <u>9-12,14-17,19 and 21-28</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>9-12, 14-17, 19 and 21-28</u> is/are rejected.						
•	7) Claim(s) is/are objected to.					
8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examiner.						
10)☐ The drawing(s) filed on is/are: a)☐ acce	epted or b) objected to by the I	Examiner.				
Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).				
Replacement drawing sheet(s) including the correction						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. §§ 119 and 120						
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> <li>13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.</li> <li>37 CFR 1.78.</li> <li>a) The translation of the foreign language provisional application has been received.</li> <li>14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.</li> </ul>						
Attachment(s)	_					
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statement(s) (PTO-1449) Paper No(s)</li> </ol>	5) Notice of Informal F	(PTO-413) Paper No(s) Patent Application (PTO-152)				

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Regarding the IDS filed march 15, 2001 (Paper No. 3), copies of most of the references listed thereon are located in various patent applications. It is noted that copes of a few of these references have been provided in the instant application. The parent applications are currently unavailable to the examiner. Consequently, the only citations that have been initialed correspond to the copies that have been provided in the instant application. It is suggested that applicant provide a copy of the <u>foreign patent documents and the non-patent literature</u> listed in the PTO 1449, so that they may be placed in the instant application.

- 2. The request to correct the inventorship in this nonprovisional application under 37 CFR 1.48(a)(1) requesting addition of an inventor(s) is denied because this issue has already been decided by the Board of Patent Appeals and Interferences in an interference proceeding.
- 3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (f) he did not himself invent the subject matter sought to be patented.
- 4. Claims 9-12, 14-17, 19 and 21-28 are finally rejected under 35 U.S.C. 102(f) because the applicant did not invent the claimed subject matter. In view of the decision in Patent Interference No. 104,311, it is determined that applicant did not invent the claimed subject matter such as the pump shaft and motor shaft being disposed perpendicular to each other.
- 5. Applicant's arguments filed September 26, 2003 have been fully considered but they are not persuasive. As discussed above, the Request to Correct Inventorship has been denied since this issue has already been decided by the Board of Patent Appeals and Interferences in an interference proceeding.

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6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel G. DePumpo whose telephone number is 703 308-1113. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703 308 1113. The fax phone number for the organization where this application or proceeding is assigned is 703 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113

Daniel G. DePumpo Primary Examiner Art Unit 3611 Page 3

dgd 11/10/03